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**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE PETITION OF THE )  
NORTH AMERICAN NUMBERING PLAN )  
ADMINISTRATOR FOR THE APPROVAL OF )  
NUMBERING PLAN AREA RELIEF FOR THE )  
208 AREA CODE )**  
\_\_\_\_\_ )

**CASE NO. GRN-T-00-36**

**Petition for Reconsideration**

Qwest Corporation and Qwest Wireless, LLC (collectively, “Qwest”) pursuant to Idaho Code § 61-626 and Rule 331 of the Idaho Public Utilities Commission’s Rules of Practice and Procedure (IPUC Rules of Procedure), IDAPA 31.01.01.331, petition the Idaho Public Utilities Commission (Commission) to reconsider Order No. 28902. Qwest requests reconsideration by means of consideration of additional comments from the affected parties. The grounds for this request for reconsideration are set out below. In addition, pursuant to IPUC Rule of Procedure 325, Qwest seeks clarification of a portion of Order No. 28902.

**BACKGROUND**

This matter was originally initiated by petition of the North American Numbering Plan Administrator (NANPA) on behalf of the telecommunications industry for relief for the 208 area code currently in use throughout the state of Idaho. Before filing the petition, NANPA convened an industry meeting to review and discuss alternative forms of relief to the 208 area code. The

industry participants, which included Qwest representatives, reviewed various alternatives and agreed to recommend an all-services overlay plan that would overlay the entire 208 Numbering Plan Area (NPA) with a new area code.

In its Order No. 28819, entered August 23, 2001, this Commission asked the parties to comment upon two geographic split alternatives that would retain the 208 area code for a portion of the state while assigning a new area code to another portion. Qwest filed comments, dated September 13, 2001, in which it supported the industry-preferred all-services overlay alternative. In these comments, Qwest also discussed the two geographic split alternatives set out by the Commission. Qwest expressed its view that Option 1, with the assignment of the new area code to “Area A”, i.e. the north and eastern parts of the state, would also be acceptable, *provided* that wireless providers in Area A were given the option to grandfather their existing 208 NXX codes.

Order No. 28902 (“the Order”) rejected the industry’s preferred alternative, which had received support from all of the industry participants in this case. The Order also adopted a three-way geographic split alternative that was unlike anything that had previously been provided to the industry for comment. Finally the Order rejected the requests of wireless providers that they either be allowed to grandfather 208 NXX codes or that other accommodations be made for the unique problems faced by those carriers.

### **RECONSIDERATION DISCUSSION**

Qwest seeks reconsideration of two decisions contained in Order No. 28902. The first issue concerns the Commission’s decision to adopt a three-way geographic split. The other concern is the Commission’s decision to deny the requests of wireless carriers that they be allowed the option to grandfather certain NXX’s within the 208 area code. The discussion of these points requires development of the context within which they arise.

## **1. Number Optimization and the Timing of Relief.**

At page eight of the Order, the Commission states that it is presently pursuing several number conservation measures that could forestall the need for a new area code, if timely implemented. Qwest agrees that number conservation measures could help achieve this benefit but feels constrained to point out that these measures are not a substitute for timely area code relief. The Commission itself acknowledged this fact in its filing with the FCC for advancement of the Boise MSA in the national roll-out of pooling.

While 30 NXX's have been reclaimed (or are in the process of reclamation) through the Commission's conservation efforts, the future opportunity of identifying vast new resources of unused NXX's is somewhat limited. These 30 codes have been recovered due to FCC numbering resource utilization requirements enacted in late 2000 and a finer scrutiny by the Idaho Commission during 2001 requiring all service providers to adhere to stricter utilization and conservation standards. It is unlikely that in the future the Commission will be able to contain the same level of success in recovering codes.

Similarly, rate center consolidation may prove to be an effective form of number conservation, but it is unlikely that it will significantly postpone exhaust of the 208 area code. And, although the Commission found that thousand-block number pooling has "significant potential for promoting the efficient number usage,"<sup>1</sup> Qwest believes it may be unrealistic to conclude that such measures will eliminate the exhaust of the 208 area code, even if they are implemented on an expedited schedule. Further, because the Commission may not be successful in persuading the FCC to alter its tentative schedule for implementation of thousand-block number pooling, this tool may not be available soon enough to significantly delay the requirement of area code relief.

It appears that the Commission is of two minds on the subject of number conservation measures. At the top of page ten of the Order, the Commission refers to area code relief as a "preventable" "bureaucratic exercise." Yet, later on page ten the Order states, "although

conservation measures may delay the need to implement a new area code, the FCC makes it clear that number conservation is not a substitute for area code relief.” Qwest suggests that this apparent uncertainty about the need for area code relief could be alleviated by requesting that NANPA reassess the 208 NPA exhaust situation, considering such factors as implementation of number conservation measures, as well as the impact of recently returned NXX codes. Such a reassessment could put the Commission and the industry on the “same page” when it comes to determining the urgency of 208 area code relief and the appropriate timeline for its implementation.

Ultimately, Qwest believes, the best approach for the Idaho Commission to consider in managing Idaho’s telephone number resources will incorporate both number conservation measures and carefully planned NPA relief.

## **2. Three-Way Geographical Split**

Qwest supports the Commission’s efforts to adopt an area code relief plan that “seek[s] to minimize end user confusion” while balancing “cost-effectiveness, minimum customer impact, and long-lasting relief.”<sup>2</sup> Further, Qwest respects the efforts the Commission has undertaken to adopt an area code relief plan that is responsive to the input of consumers, even where that input disagreed with the industry recommendations. Nonetheless, Qwest asks that the Commission reconsider its decision to adopt a three-way geographical split as the solution for 208 area code relief.

As the Commission knows, the FCC mandates that relief plans result in the most effective long-term use possible of all area codes serving a given area and that severe imbalances resulting in a difference in NPA lifetimes of more than 10 years are to be avoided.<sup>3</sup> Qwest asserts that the three-way split advocated by the Commission falls short on both counts.

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(...continued)

<sup>1</sup> Order, p. 10.

<sup>2</sup> *Id.* at p. 2, *quoting* NPA Relief Planning and Notification Guidelines at § 2.4.

<sup>3</sup> *See* NPA Relief Planning and Notification Guidelines § 5(h).

Even though proponents of a three-way split felt that it would save time and money to divide Idaho into its three natural geographic regions, this approach overlooks the fact that NPA's are a *national* resource. As the Commission itself noted<sup>4</sup>, Idaho is the thirteenth largest state geographically but has a relatively small population of approximately 1.3 million people. Qwest believes that the population and growth characteristics of Idaho simply do not justify dedicating a third NPA to this state at this time. Under the Commission's proposal one of the new NPA's has a projected life of 40 years. That same resource could undoubtedly be put to more efficient use somewhere else in the United States or Canada. While Qwest can certainly sympathize with customers who want to avoid future area code changes as long as possible, this does not justify inefficient use of a scarce national resource and ignoring FCC requirements.

Nor do the geographical characteristics and rural nature of Idaho justify the use of three area codes as the Commission suggests. Presently, all of the socioeconomic and geographical differences that the Commission points to as justification for three area codes are covered over by the single 208 area code. There is nothing unique to Idaho that suggests that it now needs to differentiate between parts of the state with separate area codes.

The recent action<sup>5</sup> of NANPA in denying the Commission's request for two new relief NPA codes underscores that this Commission should reconsider its decision on a three-way geographical split. While the Commission apparently anticipated this result<sup>6</sup>, it does not appear that appealing NANPA's decision to the FCC is a wise use of limited Commission resources that could be better utilized in seeking priority for thousand-block pooling efforts in Idaho or for other more pressing measures. In addition, the uncertainty that is created by pursuing a plan for Idaho that has been denied by NANPA and that appears patently inconsistent with FCC requirements, jeopardizes the efficient implementation of numbering plan relief measures for Idaho. The Commission can meet the needs of Idaho customers for relative stability and predictability in their area code assignments by adopting one of the two-way geographical splits

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<sup>4</sup> Order, p. 8.

<sup>5</sup> See letter of Ronald R. Conners, Director, NANPA to Jean D. Jewell, Commission Secretary, IPUC dated December 17, 2001.

<sup>6</sup> See, Order, p. 14.

that were proposed in Order No. 28819. It is not necessary, or desirable to pursue a controversial alternative that yields no real benefits to Idaho over the next decade.

Furthermore, Qwest cautions that the situation presented in Idaho today is not similar to that faced in Missouri and Florida<sup>7</sup> when the FCC approved deviations from the NPA Relief Planning Guidelines. In 1998, NXX growth was at an all time high and the FCC had not yet required service providers to adhere to a number of conservation measures. Hence, subsequent relief in less than five years was a threat because there was limited potential for number conservation measures. Thousand-block number pooling was still in the concept stage and rate center consolidation was not common. Today these conservation measures have been implemented which may cause the FCC to be less sympathetic to NPA relief proposals that do not adhere to its guidelines.

Even though creating long-lasting relief is one of the primary objectives of a relief plan,<sup>8</sup> this objective alone does not justify the three-way split adopted in the Order. The requirements that the nation's numbering resources be used efficiently and that Idaho develop a workable plan that can be readily implemented outweigh the perceived benefits of the Commission's plan and dictate that another proposal be adopted.

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<sup>7</sup> See Order, p. 15, "We believe that special circumstances exist in Idaho, as they did in Missouri and Florida, which justify deviation from NPA Relief Planning Guidelines."

<sup>8</sup> Order, p. 15, referencing, NPA Relief Planning and Notification Guidelines at § 2.4.

### 3. Grandfathering for Wireless Carriers

The wireless providers that commented in this case all expressed a concern that a geographic split would inconvenience wireless customers who would be forced to take their phones to their providers to get them reprogrammed with the new area code. This is a concern unique to some wireless consumers, and is not a concern shared by wireline consumers. There was consensus that this greatly increases the workload of wireless call center employees, and creates a hardship unique to wireless consumers. As a result, Qwest Wireless, along with other wireless providers, requested that wireless service providers have the option to “grandfather” their 208 NXX codes to avoid the manual reprogramming that would be required if a geographic split alternative were adopted. No party filed written comments in opposition to this position and, to the best of Qwest’s understanding, the members of the public who testified at the hearings did not directly address this point.

Nevertheless, the Order denies this request on the grounds that “grandfathering some wireless customers in a local calling area while other wireline and wireless customers change their area code would result in some local calls requiring 7-digits and others requiring 10-digits.”<sup>9</sup> The Commission reasoned that because “the public overwhelmingly prefers 7-digit dialing,” “the Commission seeks to uniformly effectuate that wish.”<sup>10</sup>

Qwest submits that this represents an overly zealous effort to effectuate the public’s preference for 7-digit dialing. While Qwest respects the public’s wish to retain 7-digit dialing within a geographic area code, the 10-digit dialing associated with optional “grandfathering” of wireless NXX codes applies only to calls destined to another area code. In the context of grandfathered wireless codes, 10-digit dialing will only be required to and from wireless customers whose carrier has chosen this option. While it is true that this constitutes less than perfect implementation of the public’s wish to avoid 10-digit dialing, Qwest believes that

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<sup>9</sup> *Id.* p. 16.

<sup>10</sup> *Id.*

preserving this option for wireless carriers is the better alternative to forcing the reprogramming of all wireless sets.

Qwest understands that any introduction of 10-digit dialing in Idaho would be a change, because for over 50 years there has only been one area code in the state. This initial reaction to a dialing change is typical and has been experienced across the country in other NPA relief situations. Qwest respects the opinion of the Idaho citizens, but also points out successful conversion to full local 10-digit dialing has been achieved in select portions of Colorado and Oregon, and a significant measure of 10-digit local dialing has been successfully implemented between the multiple area codes comprising the Minneapolis/St. Paul, Minnesota and Phoenix, Arizona metropolitan areas. There are also numerous examples of 10-digit local dialing around the country. Qwest believes that limited 10-digit dialing will be accepted by Idaho customers for those cases in which wireless carriers opt for grandfathering NXXs within the 208 area code.

### **ISSUES FOR CLARIFICATION**

The Staff's written comments pointed out that public education was an important feature of any area code relief plan. The Order recognized this fact and reiterated Staff's suggestions that a combination of educational approaches such as bill-stuffers, press releases, public announcements, and perhaps workshops in schools, businesses, retirement facilities and community centers, be implemented.<sup>11</sup> Based upon this input, the Commission ordered industry members and Staff to "create a plan with a proposed schedule for accomplishing technical changes, educating the public, and dates to begin permissive and mandatory dialing within the two new NPAs."<sup>12</sup>

As a general proposition, Qwest supports the Commission's decision to require a Staff/industry collaborative effort to develop these critical elements of the implementation plan for area code relief. However because the issues surrounding implementation are complex and require careful planning, Qwest remains concerned that the Commission (and hence and the Staff and industry members) gain a clear understanding of the required timing for area code relief by obtaining an updated estimate from NANPA that considers the Commission's NXX recovery

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<sup>11</sup> Order, pp. 5-6.



efforts and implementation of number conservation measures. In addition, Qwest reiterates its belief that the implementation process will be hindered if the Commission pursues the three-way geographic split that has been rejected by NANPA. All of this is important because public education plans cannot be prepared in any relevant detail until a final NPA relief plan is developed and firm permissive and mandatory dates are ordered.

Assuming the issues of the form and timing of area code relief are settled, Qwest believes that there are other points with regard to this part of the Order that require clarification. The first of these is the question responsibility. Qwest understands that, as the largest provider of wireline local exchange service, it has a significant responsibility to help educate customers about the changes they will experience with area code relief. However, Idaho telecommunication customers are served by a variety of other service providers including independent companies, wireless carriers and CLECs. Some of these entities have not participated in the discussions before this Commission. Qwest urges the Commission and its Staff to work with these other entities as well as the major wireline carriers to assure that the responsibility for education, as well as the associated costs, of Idaho consumers is shared by all telecommunications service providers who benefit from serving Idaho customers.

The responsibility of cost related to public education needs to be addressed by the Commission. Qwest submits that the costs of public education should be proportionately allocated across all telecommunications service providers and not simply borne by the regulated, or partially regulated, incumbent wireline companies. Furthermore, the Commission may consider collecting funds for these projected costs from service providers prior to implementation, and having the funds held by a neutral third party.

## CONCLUSION

Qwest appreciates this opportunity to respond to the Commission's Order. Qwest respects the difficult position that the Commission faces in making changes to telephone service that affect all Idaho customers. Where the preferences of customers and industry do not

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<sup>12</sup> *Id.* p. 16.

coincide, such matters are even more difficult. Qwest's Petition is not intended to seek reconsideration of the core decision of the Commission that NPA relief is best achieved for Idaho through a geographic split. Rather, Qwest is focusing on the efficiency of a three-way split and the need for certainty about how Idaho will proceed in preparation for relief implementation.

Similarly, Qwest supports the position articulated by the Commission and Staff that implementing NPA relief will require a significant amount of planning and education. Qwest's request for clarification relates only to the scope of responsibility for this key implementation strategy.

RESPECTFULLY SUBMITTED this \_\_\_\_ day of December, 2001.

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